

**Draft Meeting Minutes  
Delta Protection Commission  
November 21, 2002**

**1. Call to Order/Roll Call**

The meeting was called to order at 6:35 p.m. by Chairman Patrick McCarty. Commissioners present were: Beltran, Brean, Calone, Curry, Curtis, Ferguson, Macaulay, Sanders, Shaffer, and Wilson. Commissioners absent were: Bedford, Cabaldon, Coglianese, Glover, McGowan, Nottoli, Thomson, and van Loben Sels.

**2. Public Comment**

Tom Zuckerman, Central Delta Water Agency (CDWA), said the Delta has relied for several decades on the San Rafael rock quarry as a source of levee repair and building materials for normal maintenance and emergency situations. The quarry has been at the same site for over 100 years; Marin County has allowed encroachments of residential development around the quarry, and over the last several years there has been increasing conflict between the quarry and the residential areas surrounding it. There's now a nuisance action pending, and the County Counsel's office is trying to get an order to shut down the quarry's operations. He doesn't think the decisionmakers in Marin appreciate the importance of that asset from a regional perspective. Several weeks ago, he sent Ms Aramburu a draft of a letter that CDWA is proposing to send to newspapers, to illustrate the regional importance of the continuing operation of the quarry. He wanted to ensure the Commission was aware of the problem, and is asking that the Commission express to that community the importance of the quarry's continued operations to the Delta.

Chairman McCarty said Ms Aramburu brought this to his attention, and they referred it to the Attorney General's (AG) office for direction. He said the State could be involved in the litigation as well as Marin County. Mr. Zuckerman said the State is involved in the litigation because of the necessity of filing and maintaining reclamation plans for quarry operations. He added that the AG might be on both sides of this issue, but should recognize a conflict of interest rather than advise one of the parties not to take a position.

Commissioner Calone asked what Mr. Zuckerman would like the Commission to do; Mr. Zuckerman said he'd like the Commission to authorize the Chairman or Executive Director to send a letter to Marin County, and perhaps to the newspaper, making a public expression of the importance of that quarry as a source of materials and services to levee maintenance in the Delta. Ms Aramburu noted this matter was not agendaized, so the Commission cannot act on it, but staff is researching the issue with counsel.

Chairman McCarty said that he would suggest sending a letter; he just didn't want to direct staff to do this without the Commission's concurrence. Ms Aramburu clarified that although we're not voting on it tonight, Chairman McCarty suggests that staff look into this issue the same way it does other matters of topicality, and write a letter based on the policies in the Plan. Chairman McCarty said the original approach would be to do that, and also this item should be agendaized for the next possible Committee meeting, in order to get a record of support. In the interim, if research indicates that the Commission can

take a position, then he's comfortable with submitting a letter. He agreed with Mr. Zuckerman that it's incredibly important to the Delta to have access to these materials, particularly during flood events, but he doesn't want DPC to get mired in a legal battle.

Commissioner Macaulay said DPC is sympathetic to the problem, and there's nothing preventing individual Commissioners from acting on this if Mr. Zuckerman provided them with information on whom to contact. Mr. Zuckerman concurred that it would be helpful for Reclamation Districts and other agencies represented on the Commission to express themselves on this issue; he has left contact information with Ms Aramburu.

### **3. Minutes of the Last Meeting**

There were no proposed changes to the minutes; on a motion by Commissioner Beltran seconded by Commissioner Curry, they were approved by voice vote.

### **4. Chairman's Report**

Chairman McCarty said as a result of the November elections, there will be some changes on the Commission. Supervisor Lynn Bedford of San Joaquin County was not reelected to his position; Commission staff has written a letter to San Joaquin County, requesting a replacement for him at the earliest convenience. Commissioner Cabaldon was reelected to West Sacramento's City Council, and was also elected Mayor. Commissioner Coglianese was reelected Mayor of Rio Vista. As of next year, Commissioner Thompson will leave the Solano County Board of Supervisors; he will now be Solano County's Assessor. Finally, Assemblymember Helen Thomson will be leaving the Assembly. He has asked staff to prepare resolutions of appreciation for all those leaving the Commission; these will be considered at the January meeting.

January 2003 will mark the tenth anniversary of the Commission's first meeting. To celebrate, an informal gathering will be held at Giusti's restaurant before the January DPC meeting.

He announced that Karen Morais is retiring from State service, and at the end of the year will no longer be part of DPC staff. Staff is looking to fill the vacancy, but the State has implemented a hiring freeze, and it's unknown how that will impact the position.

The next meeting is scheduled for 6:30 p.m. on January 23. At that time, the Commission will review its annual report and updates on the Strategic Plan and acquisitions in the Primary Zone.

### **5. Commissioner Comments/Announcements**

Commissioner Curtis said he recently took a hike along the East Bay Regional Parks District's (EBRPD) Marsh Creek trail, adjacent to the Dutch Slough property. He said continued development of the trail as part of that project would provide an opportunity to put forward DPC's message of balance between agriculture, wildlife habitat, and recreation. He suggested DPC approach EBRPD to pursue this. He saw a microcosm of DPC's vision for the Delta, and what really made the area valuable is the juxtaposition of the agriculture and the wildlife habitat, rather than wildlife habitat by itself.

Commissioner Curry introduced his mother, Imogene Curry, who recently moved here from Amarillo, Texas.

#### **6. Attorney General's Report**

Marian Moe gave a brief update on the CALFED litigation: the case is in Sacramento's Superior trial court on the challenges by RCRC and the CA Farm Bureau Federation on the CEQA compliance. The trial court has divided the case into two days of oral arguments; the first day of arguments is November 22, but there won't be any decisions until December 13, the second day of arguments.

#### **7. Executive Director's Report**

Ms Aramburu said a schedule for next year's meetings was included in the mailing packet; DPC will continue meeting on the fourth Thursday of odd-numbered months, with alternate dates on even-numbered months if needed.

At the meeting were three handouts: 1) a flier on a workshop describing Farm Bill programs, being sponsored by NRCS in Stockton; 2) supplemental information on agenda item #12, Category A and B programs; and 3) a document outlining the new (effective January 1, 2003) State and federal legislative districts, which was prepared at the request of Chairman McCarty. Referring to the attached maps, the Commission will have new representation for District 1 (Mike Thompson). Ose (District 3), Tauscher (District 10), and Pombo (District 11) will continue to represent those areas. State Senate Districts have been realigned; most of the Delta is now covered by District 5 (Machado); Tom Torlakson represents District 7 (Contra Costa area). Assembly Districts were also realigned; District 8, formerly Helen Thomson's district, is now represented by Lois Wolk, a former Yolo County Supervisor; and District 15 is a new district in the Contra Costa area, represented by Gus Houston, formerly the mayor of Dublin. We want to ensure that new representatives are aware of the Commission and its work.

The Commission's lease expires soon; staff will remain at its current location for the next couple of years. Staff is also pursuing an exemption from the hiring freeze for the third staff position.

Ms Aramburu's been participating on a subcommittee of the Central Valley Habitat Joint Venture (CVHJV) to reevaluate the Delta section of that program; they're looking at the real data of the food requirements for migratory waterfowl, which will be used to revamp the Joint Venture's plan. This exercise will fit well with the wildlife-friendly agriculture activities and Delta agriculture study AFT is conducting.

She made a presentation about Delta recreation and CALFED to the Marina Recreation Association at its meeting in Monterey; Commissioner Curry was in attendance.

***Note: Agenda Items 12 and 11 were moved ahead of Item 8.***

## **12. Briefing on Natural Resources Conservation Service's (NRCS) Wetland Reserve Program (WRP)**

Ms Aramburu said that when CALFED was created, it was a way for agencies to work together. There were some programs that would be evaluated by CALFED and ultimately approved by its Management Group (Category A), and some programs that support CALFED goals that would be coordinated with the program and "shared" (Category B). WRP, which is administered by NRCS, is a Category B program. She felt a briefing on the WRP to DPC was timely in light of DPC's concern with land use and the reauthorization of WRP in the Farm Bill.

Alan Forkey, NRCS, said WRP, first authorized in the 1990 Farm Bill, has been recently reauthorized to more than double the number of acres in the program. WRP is the first significant conservation easement program NRCS has been involved in. The goals of the WRP are to restore wetlands in agricultural settings, try to achieve the national goal of "no net loss" of wetlands, and try to undo some of the damage that was done by previous Farm Bills. The NEPA documentation for WRP in 1990 was to restore 8% of the wetlands that had been destroyed by agricultural conversion between the mid-1950s and the 1970s; reauthorization of WRP in 2002 includes a goal of restoration of 16% of this acreage. Overall, when this program is over in 2007, NRCS hopes to have about 2.275 million acres of restored wetlands; the Secretary of Agriculture has the authority to enroll up to 250,000 acres a year nationally.

California began receiving WRP funds in 1992 as one of nine pilot States. The authority for the program was originally held by the Farm Service Agency (at that time the Agricultural Stabilization and Conservation Service), and was moved to NRCS in 1995. When it was authorized in 1990, there was only a permanent easement option; in 1997, 30-year easements were added, as well as a non-easement option consisting of a 10-year agreement to restore wetlands, (NRCS pays 75% of the cost for a landowner to restore ag land back to wetland habitat and keep it that way for ten years). He issued handouts including a map showing where all of California's WRP easements are located. NRCS is administering 168 projects in California; about 85-90% of these are in perpetual easements, a little over 7,000 acres are in 30-year easements, and about 5,600 acres are under 10-year restoration agreements.

As part of the 1990 NEPA review, some comments expressed concern over the amount of land in any county that might be taken out of agriculture; thus, there is a limitation that no more than 10% of the entire acreage within a county may be enrolled in WRP easements (this may be waived with permission of the Board of Supervisors and the NRCS State Conservationist).

Not everyone is eligible for this program; WRP applies only to lands that used to be wetlands and were converted to ag and lands with hydric soils with a high probability of successful restoration. NRCS uses a ranking procedure based on the ability to restore hydrology and other environmental and economic factors. There are also side benefits of WRP projects, including flood abatement, groundwater recharge, sediment abatement, and water quality improvement.

In addition to hydric soils, NRCS looks at maximizing wetland functions. There are a number of places around the State where it is not feasible to restore natural hydrology; the Delta is one of them. NRCS has therefore modified their ranking criteria to include areas that have a good supply of water readily available for wildlife use. Single-island ownership is ideal for WRP easements in the Delta; this avoids conflicts with neighbors on the same island. NRCS also likes islands with stable levees. NRCS does not like to see an entire island go into WRP; it desires a combination of ag land and wetland habitat to maintain ag interests on the island as well keep the small grains, corn, wheat, and rice that provide an excellent food source for waterfowl.

NRCS has developed partnerships with different State (DFG, WCB), federal (USFWS, USBR), and nonprofit agencies; they generally have partnership meetings two or three times annually. These partners have assisted in acquisitions as well as restoration. Only 2% of all projects in the last five years have not involved a partnership with a nonprofit group, another agency, or the landowners themselves. In California, there is a waiting list of over 100 applicants, totaling about \$60 million of acquisitions, waiting to become enrolled in WRP. NRCS recently obligated (at the end of 2002) just over \$30 million for California, the highest amount of money the State's ever received for WRP. Since 1996, about \$108 million has been spent under the WRP in California.

Right now, the federal government is operating under a continuing resolution, so there is no Farm Bill budget yet; that may not come until 2003. In the meantime, the procedure is to continue to sign up landowners through local NRCS offices at any time; NRCS staff will then go out to the properties and evaluate them in terms of their criteria, so that when money becomes available, acquisitions can move forward.

Commissioner Wilson asked how NRCS deals with restoration that has not yet occurred on acquired or easement properties. Mr. Forkey said when NRCS purchases an easement, it is responsible for ensuring restoration takes place. What happened on the Tyler Island easement was a combination of landowner problems (change in land ownership) as well as partnership problems. NRCS ended up not having the money it needed to move forward with restoration at that time, but is moving forward with restoration at this time. It has an objective to begin restoration within twelve months of the close of the easement, and complete restoration within three years. Commissioner Wilson said that to date, restoration on that property has not occurred, and taxes to the Reclamation District remain unpaid. Mr. Forkey replied that NRCS has the money to conduct the restoration, and is not acquiring these properties in fee title; the landowner retains five rights to the property, one of which is continuing to pay taxes with or without the easement. Commissioner Wilson said the concern is that ancillary effects to the local community are not taken into account with programs like this. Mr. Forkey said that local support is one of the factors NRCS takes into consideration for projects. NRCS cannot eliminate landowners from participation in the program, but if local entities support the project, it's more likely to receive a higher rating.

Chairman McCarty said there are wetlands and habitat being created, and easements and fee title being acquired, by multiple agencies at work in the Delta, and within that framework of activity, DPC's charge is to keep all that in balance. While WRP is a worthy program, there are no such programs for agriculture or recreation, so DPC is trying to maintain a balance it can't control. It's important for DPC to know about WRP and other NRCS activities, and it would like to know about these sooner than later, particularly when they're going to impact the Delta.

Vice Chair Ferguson asked if it is NRCS's responsibility to create a buffer in the case where there is prime ag ground adjacent to an easement or acquired property. Mr. Forkey said NRCS tries to design the restoration so it's not creating a problem for neighbors; this can be done by strategic placement of brood ponds and natural vegetation buffers between wetland areas and adjacent landowners.

Commissioner Shaffer asked how much acreage is included in the \$60 million backlog on applications. Mr. Forkey replied that there are about 37,000 acres; some of these properties are just barely eligible, and probably would not create high quality habitat. Commissioner Shaffer then asked whether there is in the selection criteria a mechanism to take into account regional approaches and priorities from other programs such as the CVHJV or CALFED. Mr. Forkey said the ranking system takes into account some of the goals of the CVHJV in its 1989 implementation plan, which basically breaks California into different basins and identifies goals for acres of habitat in each basin. NRCS has given more points to those basins that have a higher priority with the CVHJV. Also, if cities or counties wish to place priority rating on certain areas, they have the ability to help guide the process; if a local entity decides it would like WRP to assist with flood control or wildlife habitat in specific areas, those projects can be given higher priorities.

Commissioner Shaffer said DPC learned at its last meeting that NRCS is a funding partner for the Dutch Slough project, and asked Mr. Forkey to address this. Mr. Forkey said when NRCS approved those applications, they were from the private landowners. The goal of DWR and the Coastal Conservancy is to close on this purchase by April 2003, and they have been asking him when NRCS would be able to put money in escrow; he told them he can't guarantee when NRCS will have WRP money to do this. NRCS can work with State agencies, but they are a lower priority than working with a private landowner. NRCS might assume that since DWR is purchasing the property anyway, it is destined to be habitat. Also, DWR is planning to lease portions of that property for grazing over the next several years; when NRCS purchases an easement, it controls the restoration, management, and all activities that take place on that land, and NRCS would therefore decide whether grazing occurs there. He doesn't think DWR will want NRCS involved in this situation. He was also told that without DWR purchasing the property in fee title, the landowners are not interested in the NRCS easement. He doubts NRCS will actually be part of this project, and he has told Coastal Conservancy staff that a lot of things have changed, and NRCS cannot guarantee it would be able to provide the money. NRCS has the right to transfer management authority to another agency, but it's never done it. Helen Flach, NRCS, agreed that someone else could manage the property, but it would have to be managed according to a plan NRCS sets up, even if its own portion is

very small. WRP's purpose was not to provide restoration money for joint projects; it was to provide alternative sources of income for farmers, during a downturn in the agricultural economy, which allowed them to put marginal land into wildlife habitat instead of cropping it, and still maintain ownership of the land.

Ms Aramburu noted that on page 3 of the staff report is a summary of the easements that have been purchased in the Delta Primary Zone – a couple of duck clubs, the Tyler Island easement, some small projects in the Yolo Bypass, and a commitment on Medford Island, a mitigation bank that has not been commercially farmed since the early 1990s. Another easement is proposed this year on Mandeville Island; the landowner has worked with California Waterfowl Association and Ducks Unlimited to do strategic mixed management of agriculture and seasonal wetlands on a little more than half of that 5,200-acre island.

Commissioner Wilson said he understands that the intent of WRP is not to take large tracts of farmland out of production, rather it is to use smaller chunks of marginal farmland, to help the farmer out. Ms Flach said NRCS pays a cap rate of \$2000 an acre – you usually don't get prime farmland for that amount. WRP was intended for lands whose highest and best use is wildlife habitat as opposed to productive ground. Commissioner Curry asked how this \$2000 level was set; Ms Flach said the NRCS State office determines this amount.

Chairman McCarty said DPC needs to keep apprised of all these changes, and suggested staff work with NRCS to establish a better communication link. DPC's land use plan also advocates using marginal ag areas for wildlife habitat, and keeping prime ag lands as productive as possible, so goals and objectives are in sync, but communication is lacking.

#### **11. Briefing and Request for Support of Application to Designate the Delta Primary Zone a State Conservation Priority Area for the Federal Conservation Reserve Enhancement Program (CREP)**

Commissioner Shaffer said the Farm Service Agency (FSA) manages the Conservation Reserve Program (CRP), which allows landowners to enter into voluntary limited year contracts, (usually ten years but sometimes shorter) to develop habitat projects on their farms. CRP has not been widely used in CA because of the caps on payments that are set at the national level. There is, however, another program, CREP, that requires State matching funds, and allows greater flexibility of the CRP. A federal/State partnership has developed a CREP for the Sacramento Valley; the implementing agency for the Sacramento Valley CREP was DFG. CDFA staff learned about this program in the context of CALFED's Working Landscapes subcommittee, and brought the idea in front of the DPC Ag Committee. With its support, CDFA prepared a proposal for a Conservation Priority Area (this needs to be established in order to move ahead with developing a CREP for the Delta). The proposal was submitted to the State Technical Committee in October, and was forwarded to USDA in Washington D.C.; they expect to hear back on the application sometime in Spring 2003.

Commissioner Shaffer said he's looking for support from DPC for the establishment of the Priority Area and then working with local landowners over 2003 toward developing a Delta CREP proposal. The proposal would address habitat enhancement and water quality as the two primary goals, and would allow private landowners to participate in developing a variety of projects in the Delta.

In response to a question of what happens after the limited year contracts expire, Commissioner Shaffer said with the Sac Valley CREP, USFWS prepared a Biological Opinion stating that this program would enhance wildlife values and provide safe harbor under ESA to participating landowners. Once the contract ends, the landowner has an additional three years of safe harbor after the termination of the contract to decide whether to crop the land again or maintain it in habitat. Judging by performance in other States, the likelihood is that the land would remain with those habitat features.

Commissioner Curtis asked if State ESA requirements are covered by this program. Commissioner Shaffer noted that there are new regulations for SB 231 that may address that; Commissioner Curtis said he thinks it's similar. Chairman McCarty said his understanding is CREP is an alternative to the WRP, perhaps not as restrictive, and is also another tool to prop up Delta ag; it's an option for landowners to use in trying to keep their farms economically viable. Commissioner Shaffer added CREP is a time-delineated contract program as opposed to an easement program.

Chairman McCarty clarified that Commissioner Shaffer's request is for a letter of support for the Conservation Priority Area application; Commissioner Shaffer added that he would like DPC's support to pursue a Delta CREP if the application is approved, so the support letter should address both of these items.

Commissioner Wilson made the motion to direct staff to prepare a letter of support; Commissioner Calone seconded. The motion was carried by voice vote.

Commissioner Shaffer noted that Surjit Toor, NRCS, brought several CREP handouts for interested parties.

## **8. Briefing on CALFED Activities and Projects**

Ron Ott, CALFED Delta Coordinator, said Year 2 and Stage 1 accomplishments, work plans for 2003, and governance under the new Authority will be discussed at the BDPAC/Policy Group meeting on December 4 at the Sheraton in Sacramento. DPC received a briefing on the formation of the Authority at its last meeting; there is currently an ad hoc group looking at this, and it's soliciting input. People have been offering suggestions for candidates from each of the CALFED regions. The ad hoc committee's objectives include maintaining an effective forum for interagency coordination for CALFED and related issues, and to maintain meaningful participation of all CALFED agencies. The committee has put together a proposal for the transition, which will come before Management Group and BDPAC.



Ms Aramburu noted that DPC is participating on the Management Group and the Policy Group through two MOUs. DPC will no longer have a seat on the new authority (there is one public member from the Delta appointed by the Governor), but there will likely be a new MOU amongst agencies to enhance agency communication and coordination; that will likely come before DPC in January.

Chairman McCarty said one position out of the twenty on the authority would be a representative of the Legal Delta, a governor's appointment. He said that to the degree that DPC and Delta interests can formulate a candidate for that position, and then advance that candidate, that would be very helpful. Ms Aramburu said she would bring this issue back to the CALFED Committee and then to the Commission.

Mr. Ott circulated a draft of CALFED's annual report, which stresses the regional goals and objectives and how these add up to achieve CALFED's overall objectives. He'd like input on the challenges and issues of the Delta, and how these add up to the Statewide benefits.

Conveyance: Many Commissioners were at the South Delta Improvements scoping meetings; DWR is working on these comments. The North Delta program will be scoping in early 2003. CALFED was ready to collect more fish data as part of the Delta Cross Channel studies, but was unable to obtain permits in a timely manner, and the juvenile fish grew too large to tag; they are now looking at tagging adults instead.

Storage: The scoping report for north of Delta offstream storage is available from the CALFED website.

Levees: Levees have fallen behind other program components, but Proposition 50 has some money for the Levees program; there's an effort to determine what's earmarked and what can be moved around. Ms Aramburu said \$70 million is set aside for the Levees Program, and the recommendation from the Delta Levees Habitat Advisory Committee (co-chairs Marci Coglianese and Tom Zuckerman) is that funds fill the 75% cost share gap from this past year, as well as for the next three years. Commissioner Shaffer added that there's \$20 million in Prop 50 for assistance to landowners to implement wildlife-friendly farming practices.

Ecosystem Restoration – Dutch Slough project: DWR will be the owner and a sponsor of the project. He assured that DPC would be involved in creation of the restoration plan and the concerns expressed in its letter would be addressed.

Commissioner Macaulay said DWR had been nervous about owning this property until it could understand all the obligations of land ownership. Over the last few months, DWR thoroughly researched the costs of land ownership. The funding will provide for land management for the first three years, so there's some risk for DWR, but there's also strong local support and support from key legislators, as well as from the City of Oakley and Contra Costa County, for having DWR as the owner. DWR has agreed to be the owner of record on this property and to take on the management responsibilities

recognizing there are some uncertainties, and will be participating in the planning of the restoration that will occur there. When he discussed the project with Assemblyman Canciamilla, he made a strong point of the roles and responsibilities of DPC, and they worked to ensure they could adhere to the constraints DPC has requested (e.g., that the land will be kept in ag to the extent feasible until a plan is developed, etc). As the project moves forward, DPC would be involved in the planning process as well as DWR and its partners. He said the final decision of whether DWR is the long-term owner of the property has yet to be determined.

**9. Authorize CALFED Committee to Prepare Comments on Revised Applications to CALFED for Ecosystem Restoration Grants**

Chairman McCarty noted that revised applications are due in November, with comments due to CALFED before Christmas. In order to submit those comments with the Commission's meeting schedule, he suggested that the responsibility to make those comments be delegated to the CALFED Committee. Ms Aramburu added that these meetings are open to all Commissioners and the public. The CALFED Committee meeting is scheduled for December 17.

Commissioner Beltran moved this authorization; Vice Chair Ferguson seconded. The motion was approved by voice vote.

Commissioner Beltran said he would like to participate more in Committee meetings, but these conflict with his City Council meetings, and requested that staff consider holding more meetings or holding meetings in the evening. Commissioner Wilson agreed that this wouldn't be a problem.

**10. Request for Support for Amendment to CALFED Ecosystem Restoration Grant to Allow The Nature Conservancy (TNC) to Acquire Wildlife-Friendly Agriculture Easements in East Delta Ecozone**

Ms Aramburu said TNC has been working in the Mokelumne and Cosumnes River watersheds for many years, and obtained a grant in 2001 to continue their work through acquisition of easements and fee title lands in that general area. The original application was for the East Delta Tributaries ecozone, east of the Legal Delta. TNC has since discovered opportunities that would carry out the mission of their program that are west of the Delta boundary, and since this was not evaluated as a project in the Delta, TNC thought it would be appropriate to make sure this was subject to public review and comment. CALFED staff asked that DPC consider this before they act on the request to expand the area covered by the grant into the Legal Delta.

Mike Eaton, TNC, said TNC is heavily involved with the North Delta Improvements planning process, and have been looking at easement opportunities in support of the North Delta planning process goals. TNC believes the grant money would be well spent in areas that provide valuable sandhill crane habitat; both of the easements they'd like to proceed with are in the Priority One area for the State's Sandhill Crane Recovery Plan.

Ms Aramburu clarified that the East Delta ecozone is one of the subdivisions of the Legal Delta that CALFED used to develop the ERP – the Delta was divided into four quadrants: North, East, South, and Central/West, each with their own restoration targets. Vice Chair Ferguson asked if landowners in these ecozones are experiencing encumbrances on their properties as a result of these ecozone designations; she replied they are not; these lines were used for planning purposes, and are not regulatory.

Commissioner Calone asked if the East Delta ecozone is all in the Primary Zone; Ms Aramburu said much of it is, but the areas on the east side of I-5 and the areas closer to Stockton (Shima, Wright-Elmwood Tracts) are in the Secondary Zone.

Commissioner Wilson clarified that originally the grant was for lands upstream of McCormack-Williamson Tract, and now TNC would like to target properties in the Delta. Mr. Eaton said their grant was targeted at easements for wildlife habitat values; Ms Aramburu confirmed that TNC's intent was to implement some of these easements in the East Delta ecozone. Chairman McCarty noted that TNC has the properties in mind; Mr. Eaton confirmed that TNC has letters of intent and has held off on signing option agreements pending receipt of funding.

Ms Aramburu said she contacted Ben Hulse, San Joaquin County's Planning Director, to see if there were any comments. Mr. Hulse said there would not likely be a problem from the Planning Department's perspective, if TNC uses the same type of wildlife-friendly easements that have been used on other properties in the County. The Cowell property has an easement similar to what TNC is proposing. Mr. Hulse thought it would be helpful if adjacent landowners were notified of the easement acquisition. Mr. Eaton said this is an independent requirement of CALFED, and the easements will be essentially identical to the Cowell easement, on which they participated with the County. Chairman McCarty asked who sent the notification out to neighboring landowners, and how wide a scope TNC took in. Mr. Eaton said he doesn't think this notification has happened yet because they have not yet signed option agreements, and at least one of these sellers has requested anonymity until the option agreement has been signed.

Commissioner Shaffer asked if there is an opportunity to coordinate these easement acquisitions so that the benefits can be recognized both for the San Joaquin County HCP and for CALFED. Ms Aramburu said TNC has been willing to work with other existing programs to make those goals happen on a regional basis.

Commissioner Curtis said he worked on the San Joaquin HCP, and if land is managed for ecosystem values, it helps reach the goal for the HCP; all of these lands would count towards San Joaquin County reaching its HCP goals. Chairman McCarty said that's the intent, but in practice there's a lack of connectivity, which results in some duplication. In the Delta, DPC is acting as a coordinator to eliminate some of that duplication. Ms Aramburu said that with the use of CALFED funds, the improvements would count toward CALFED goals; staff will be bring a report to DPC in January on CALFED's success at meeting its goals. She said she would coordinate with Mr. Eaton and the San Joaquin County HCP to see how this could be coordinated to meet both programs' goals.

Commissioner Shaffer said the pending projects memo can help serve that function, in terms of another column that checks off CALFED goals, HCP goals, and starts that accounting. Also, DPC invites people to give updates on other programs (NRCS's WRP, for example), and people have been responding well to these invitations, so DPC is getting better at achieving this accounting and coordination function.

Commissioner Curtis made the motion that the Commission support TNC's proposal to acquire easements in the Delta; Commissioner Wilson seconded. The motion was approved by voice vote.

### **13. Briefing on Sacramento River Corridor Planning Forum (Forum)**

Chairman McCarty said there are nine local and State agencies working together to study the Sacramento River from Fremont Weir in the north to Courtland in the South; DPC staff has been invited to participate in the Forum. He introduced Lori Boxer-McCumber from the CA Center for Public Dispute Resolution (CCPDR).

Ms McCumber said CCPDR is on the facilitation team for the Forum. The Forum was convened in early 2002 when SAFCA met with DWR, the Reclamation Board, USACE, the cities of West Sacramento and Sacramento, and Sutter, Yolo, and Sacramento Counties to develop a floodway management plan for that stretch of the river. Since then, Forum meetings have been held every two months. There are three working groups that are working on specific issues related to the management plan. The Policy and Permitting working group (Commissioner Sanders is on this) is identifying policy issues that people have had difficulties with in the past, and developing a layperson's guide to policy and permitting issues along that stretch. There's a Flood Control/Public Safety working group, which is developing an engineer's checklist and some guidelines of factors projects need to take into consideration when developing along this stretch of the river. Finally, there's the Land Use Scenarios working group, looking at present and future land use along the stretch; that work group is collaborating with the joint Riverfront Master Plan between Sacramento and West Sacramento.

She circulated a notice of the Forum's upcoming meetings in the hopes that Commissioners will participate. The Forum is currently reviewing opportunities to enhance the flood control system.

Commissioner Curry said over the last several years he's attended several meetings of USACE's Comprehensive Study, and asked how the Forum fits in with that effort. Ms McCumber said those studies have been taken into consideration, but the two are not related. Ms Aramburu said the Forum is looking at a much smaller area, focused on local government and local planning and public safety issues, whereas the Comp Study looks at flood protection on a larger scale (the entire State).

Chairman McCarty said this impacts the Delta, and DPC's participation would be helpful to its own knowledge base as well as providing increased knowledge to that group about the downstream impacts of development and channelization on Delta levees and land

uses. Commissioner Sanders agreed that although its focus is upstream of the Delta, some of the things the Forum is considering could have direct or indirect effects on the Delta in the form of increased flood pressure on Delta levees or water quality issues.

Commissioner Curry said he is charged with writing technical guidelines for docks, piers, marinas, etc. under difficult circumstances; perhaps there would be some information coming out of the Forum that would be helpful in formulating some of those guidelines.

Commissioner Macaulay asked what the nexus is with CALFED's North Delta program. Ms Aramburu said it's not really related; those projects look at different floodplains. The North Delta program is looking at eastern drainage from Morrison Creek, Dry Creek, and the Cosumnes and Mokelumne, whereas this project focuses on the Sacramento River.

Commissioner Curtis said it appears that the study area encompasses at least a portion of Yolo Basin Wildlife Area. DFG is currently developing a management plan for the new acquisitions; one of the issues that has been brought up as part of the management plan is assessing the Bypass's flood carrying capacity and how it might be impacted by the development of their management plan. He asked if this is part of the Forum's activities. Ms Aramburu said SAFCA has a separate but related process in which they're proposing additional flows into the Yolo Bypass. Commissioner Curtis said people have been asking DFG to do a flood capacity analysis of their property, but he doesn't want to duplicate the effort if it's already being done. He suggested there could be a way this analysis could be conducted jointly, with sharing of funding responsibility. Ms Aramburu noted that the Reclamation Board could work with DFG under its recent CALFED Directed Action grant to do an in-depth analysis of the capacity of the Bypass.

Chairman McCarty asked Ms Aramburu to participate to the degree possible.

Ms Aramburu said if Commissioners review the pending projects memo and see a project they think it would be helpful to get more information or a briefing on, let her know and she'll work with the Chairman to accommodate that into the schedule. For example, SAFCA is proposing its own study to enhance flood control for Sacramento; one of the options would be to increase the capacity of the Yolo Bypass and send more water there, possibly moving or raising levees.

Chairman McCarty challenged Commissioners to think about a mechanism to link all of these unrelated activities that are impacting Delta land use, in order to better understand the scope and impacts of all the activities.

#### **14. Adjourn**

The meeting was adjourned at 8:45 p.m. The next meeting is scheduled for Thursday, January 23, 2003, 6:30 p.m.